

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jun 01, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BRANDON KEITH HUTCHINSON,

Petitioner,

v.

NO NAMED RESPONDENT,

Respondent.

No. 2:21-cv-00121-SMJ

**ORDER DISMISSING PETITION  
WITHOUT PREJUDICE FOR  
FAILURE TO COMPLY WITH *IN  
FORMA PAUPERIS* OR FILING  
FEE REQUIREMENTS**

In March, Petitioner Brandon Keith Hutchinson, an inmate housed at the Coyote Ridge Corrections Center, filed a *pro se* application for writ of habeas corpus by a person in State custody under 28 U.S.C. § 2254. ECF No. 1. Yet he failed to apply to proceed *in forma pauperis* (IFP) or pay the filing fee. By letter, the Clerk's office directed Petitioner to complete an Application to Proceed without Prepayment of Fees and Affidavit and provided him the necessary form. ECF No. 2. In the alternative, the Clerk's office informed Petitioner that he could pay the \$5.00 filing fee. *Id.* Petitioner did neither.

About a month later, this Court again directed Petitioner to complete the IFP application or pay the filing fee. *Id.* The Court advised Petitioner that it would

ORDER DISMISSING PETITION WITHOUT PREJUDICE FOR FAILURE  
TO COMPLY WITH *IN FORMA PAUPERIS* OR FILING FEE  
REQUIREMENTS – 1

1 dismiss his case if he failed to do so. *Id.* Petitioner still has not completed the  
2 application or paid the filing fee.

3 Accordingly, **IT IS HEREBY ORDERED:**


4 **1.** The Petition, **ECF No. 1**, is **DISMISSED WITHOUT PREJUDICE**  
5 for failure to comply with the *in forma pauperis* or filing fee  
6 requirements set forth in Rule 3(a) of the Rules Governing Section  
7 2254 Cases in the United States District Courts.

8 **2.** The Clerk's Office is directed to **ENTER JUDGMENT** and **CLOSE**  
9 this file.

10 **3.** The Court certifies that an appeal from this decision could not be taken  
11 in good faith and there is no basis upon which to issue a certificate of  
12 Appealability. *See* 28 U.S.C. §§ 1915(a)(3), 2253(c); Fed. R. App. P.  
13 22(b).

14 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and  
15 provide a copy to Petitioner.

16 **DATED** this 1st day of June 2021.

17  
18   
19 SALVADOR MENDOZA, JR.  
United States District Judge